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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

NML CAPITAL, LTD.,)	
)	Case No. 2:14-cv-01573-RFB-VCF
Plaintiff,)	Case No. 2:14-cv-00492-RFB-VCF
)	Las Vegas, Nevada
vs.)	Friday, December 12, 2014
)	1:03 p.m.
THE REPUBLIC OF ARGENTINA,)	
)	MOTIONS HEARING
Defendant.)	
)	

REPORTER'S TRANSCRIPT OF PROCEEDINGS
THE HONORABLE CAM FERENBACH,
UNITED STATES MAGISTRATE JUDGE

APPEARANCES: See Next Page
DIGITALLY RECORDED: Liberty Court Recorder
1:03 p.m.
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(702) 385-0670

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1 LAS VEGAS, NEVADA; FRIDAY, DECEMBER 12, 2014; 1:03 P.M.

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3 P R O C E E D I N G S

4 THE COURT: Thank you. Please be seated.

5 COURTROOM ADMINISTRATOR: This is the time set for a
6 hearing in cases 2:14-cv-492-RFB versus -- I'm sorry -- RFB-VCF
7 and 2:14-cv-1573-RFB-VCF, NML Capital versus Republic of
8 Argentina. In the 14-492 case, the cross motion to compel, No.
9 60, will be heard. The motions to seal, No. 61, 64, and 65,
10 will be heard. The motion to intervene by Jorge Lanata and the
11 Center for Investigative Journalism will be heard, No. 70, the
12 emergency motion to exclude exhibits and enforce protective
13 order. In case 14-cv-1573, No. 1, the motion to quash subpoena
14 or, in the alternative, for a protective order, will be heard.
15 No. 10, the cross motion to compel, will be heard. No. 21, 22,
16 and 28, motions to seal, will be heard. And No. 30, emergency
17 motion to exclude NML Capital, LTD's proposed demonstrative
18 exhibits, will be heard.

19 THE COURT: All right. Would counsel please enter
20 their appearances?

21 MR. HRANITZKY: Your Honor, Dennis Hranitzky from
22 Dechert LLP on behalf of NML Capital. And I'm joined by my very
23 distinguished cocounsel, Kirk Lenhard, from Brownstein Hyatt and
24 my colleagues, Collin Hessney and Lauren -- and Lindsey Cohan,
25 from Dechert LLP.

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1 THE COURT: Thank you. All right. Sir?

2 MR. WOODS: Your Honor, Kent Woods from Woods Erickson
3 & Whitaker on behalf of MF Corporate Services (Nevada), Limited
4 and Patricia Amunategui. And I'm joined by, from my firm,
5 Andrew Platt and John Bulloch, who are here for --

6 THE COURT: Thank you. Thank you.

7 MR. WILEY: Good afternoon, Your Honor. Jason Wiley of
8 Kolesar & Leatham, along with Daniel Cereghino, also from
9 Kolesar & Leatham, on behalf of Val de Loire, LLC.

10 THE COURT: All right. Thank you, Mr. Wiley.

11 And do we have someone here -- oh, go ahead.

12 MS. HAAR: Teresa Haar from the Randazza Legal Group on
13 behalf of Jorge Lanata and the Center for Investigative
14 Journalism in the Americas.

15 THE COURT: Thank you, Ms. Haar.

16 Who's the gentleman sitting over here?

17 MR. CEREGHINO: I'm Dan Cereghino with Mr. Wiley.

18 THE COURT: Oh. Okay. I'm sorry. I didn't make the
19 connection. Okay. Thank you. Welcome, everybody.

20 Okay. Well, we have a few motions listed. And,
21 actually, there's one other motion that's on for hearing that's
22 not listed, which is the one that started all of this, I think.
23 As I look back at my order of October 29th, it's No. 14. And
24 there was the -- and No. 54 was my order -- was a stipulation
25 order to reset the briefing schedule and hearing on nonparties,

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1 MF Corporate Services Limited and Patricia Amunategui's motion
2 to quash, No. 14. So that one's clearly on for hearing, too.
3 For some reason, you know, we have these miscellaneous files and
4 we have these other numbers. And somehow the system broke down,
5 and there isn't a little gravel next to that one on our computer
6 anymore. So it doesn't get picked up in the docket, but
7 everyone knows that motion is here.

8 Okay. Now, we had a request by a reporter who called
9 Lance Wilson asking to use a lap top in the court, which of
10 course is prohibited by rule. Is she here today? Oh. I'm
11 sorry. What's your name, ma'am?

12 (Inaudible.)

13 THE COURT: Ms. Barone. Okay. I -- you know, I have
14 discretion on that, and I will, provided there is a few rules
15 here. You can't connect to the Internet. You can't record
16 anything audio, video, anything like that with your device. All
17 you can use your device for is to take notes on. So you're
18 agreed on that?

19 MS. BARONE: Yes.

20 THE COURT: Okay. That's the order and I'll let you do
21 that.

22 MS. BARONE: Thank you.

23 THE COURT: Okay. And then there was a request about
24 someone up at the counsel table wanted to connect to the
25 Internet for some reason during this hearing. Is that still

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1 happening?

2 MR. HRANITZKY: Your Honor, when we originally made the
3 request, it was contemplated that we might be using courtroom
4 technology to display the demonstratives.

5 THE COURT: Okay. Yeah.

6 MR. HRANITZKY: In an effort to revolve the dispute
7 with respect to demonstratives, we've withdrawn that proposal.
8 And so if Your Honor wants to see them --

9 THE COURT: You got books.

10 MR. HRANITZKY: -- we will just use hard copies.

11 THE COURT: Okay. So we don't have to worry about
12 that. Okay.

13 Now, I got a long list of sort of just I guess what
14 we'd call housekeeping. Next is the issue on consolidation.
15 Now, the way this case stands right now, the two case numbers
16 that the clerk read, and they're both assigned to Judge Boulware
17 and me, but they are not consolidated. And, you know, looking
18 carefully at the -- let's see.

19 It was NML Capital's notice of related cases, and then
20 the 123 entities filed a notice of non-opposition. And the
21 language was that at least these two entities, now there's some
22 other entities now, all thought it was a good idea to have the
23 case -- both cases assigned to the same two judges, and that was
24 the order Judge Boulware entered.

25 Now, for convenience, if we consolidate the cases,

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1 then, you know, they all appear on one docket when you go into
2 Pacer and all of that. Does anybody feel strongly way one or
3 another? Do you want to run these as parallel cases assigned to
4 the same judges or is it okay with everyone if we just
5 consolidate them so they will all be in one record in front of
6 the Court? Anybody want to say anything?

7 (Inaudible.)

8 THE COURT: You don't care. Okay. Anybody care about
9 that?

10 MR. WOODS: Whatever Your Honor chooses.

11 THE COURT: All right. Well, I'll treat that as a
12 stipulation by all the parties to consolidate. So, actually, if
13 you would, if you could just circulate a stipulation to
14 consolidate, send that up to Judge Boulware, because he's the
15 one who has to actually consolidate the cases. And then it will
16 be consolidated under the lower case number. I think that will
17 make life easier for everyone. Okay.

18 Now we come to the intervention part. And, you know,
19 the motion to intervene was filed by Mr. Randazza, and his
20 cocounsel is here today. And I am glad he -- I really had
21 planned to let this brief a little bit more and then decide it,
22 but really I think -- well, you'll see in a minute what I have
23 in mind.

24 I've received oppositions from one -- somebody over
25 here.

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1 MR. WOODS: It's from MF Nevada.

2 THE COURT: From MF Nevada. And then one from NML came
3 in at 11:30. So we took a quick look at that.

4 MR. HRANITZKY: Under the wire.

5 THE COURT: Yes. Took a quick look at that. Here's
6 what I am planning on doing, and I'll hear from everybody who
7 wants to make a record or try to convince me otherwise. But I
8 was going to grant the motion to intervene, but not allow
9 just -- not really -- the intervention is for the purpose of
10 allowing counsel for the Center for Investigative Journalism
11 and/or Mr. Lanata -- and I want to talk a little bit to that,
12 Counsel, why you need both of them to intervene. But I'm
13 planning on letting some person or entity intervene to allow the
14 attorneys for that new intervening party and only the attorneys
15 who are actually admitted in this case, no one else, even staff
16 or anybody. I mean, you guys are going to have to do it
17 yourself because you're under this Court's discipline. And I'm
18 going to allow only attorneys to look at those sealed documents
19 at this stage, and then you can -- we can brief about what
20 should be sealed and unsealed or redacted or whatever because
21 you'll actually know what you're talking about, which is
22 impossible for them to really do unless they can see the
23 documents.

24 I'm hopeful that the parties can get-together and, you
25 know, there should be things that are really obvious like Social

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1 Security numbers and account numbers and things of that nature
2 that everyone would agree should remain sealed. And there may
3 be other areas that nobody cares about. And I know NML
4 basically doesn't care. It's the other side of the table that
5 cares.

6 And -- but, actually, to tell you the truth, this is
7 helpful to me that there will be an advocate advocating for
8 disclosure in front of me because usually what happens is, you
9 know, the parties all agree to keep it confidential or one party
10 wants it confidential, the other side doesn't care, and there's
11 nobody advocating for the public. And so I have to kind of
12 shift a little bit in that direction, instead of being neutral,
13 to do my job about access to the records.

14 So that's my intention. If I -- I hope that's clear.
15 Does anyone want to comment on that?

16 MR. LENHARD: Yeah. May I?

17 THE COURT: Yeah. Sure, sure.

18 MR. LENHARD: Can I do it from here?

19 THE COURT: Anywhere you want.

20 MR. LENHARD: All right. Thank you. The way the
21 motion was drafted, the intervention was for a specific purpose
22 and that was to see the deposition transcript.

23 THE COURT: Right.

24 MR. LENHARD: And, you know, we're going to address
25 that, I assume, some time this afternoon.

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1 We do have a problem if it goes beyond the deposition
2 transcript to all produced records, all produced documents, and
3 so forth, and that -- I don't think that's yet before the Court.

4 THE COURT: Oh, it's not. I'm not ruling on any
5 unsealing today.

6 MR. LENHARD: All right.

7 THE COURT: I'm just -- the only thing I intend to do
8 today is to allow the -- some intervenor to come in and have
9 their lawyers advocate for disclosure. You know, the decision
10 on actually opening it up will be after all the meet and confers
11 and argument and briefing.

12 MR. LENHARD: What we're concerned about, so I can
13 articulate it clearly.

14 THE COURT: Sure.

15 MR. LENHARD: Is that we don't want another participant
16 in the discovery process. And that's not what you're ordering,
17 I assume.

18 THE COURT: Right.

19 MR. LENHARD: Because again --

20 THE COURT: Oh, no. They're not going the attend.

21 MR. LENHARD: Their purpose here today.

22 THE COURT: No, no. It's not for the interveners to be
23 able to go to the depositions and ask questions. I don't think
24 they're asking for that. All they want is for -- I mean, they
25 represent reporters. The reporters want to read what's in the

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1 court record. That's what I understand is the issue.

2 MR. LENHARD: So for purposes of today, again, I hate
3 to split hairs.

4 THE COURT: No, it's fine. I -- please.

5 MR. LENHARD: But for purposes of today, we're talking
6 about deposition. That's all that's really before the Court
7 right now, Your Honor, and, right, the sealed documents attached
8 to the pleadings. Nothing more today.

9 THE COURT: All right. Well, okay, let me make sure I
10 understand your concern, Mr. Lenhard. The motion is -- to
11 intervene is asking for some certain document to be unsealed. I
12 haven't focussed on that.

13 MR. LENHARD: It kind of goes into it a little bit
14 more --

15 THE COURT: Okay. Well, I haven't focussed on that
16 question, but, you know, I guess I could rule, and I'd like to
17 hear from everybody else, that, you know, they can intervene and
18 solely for the purpose of addressing whether information that
19 they listed in their motion and nothing else could be released.
20 But that wouldn't --

21 MR. LENHARD: That's limited intervention, and I just
22 ask you to do it almost on a case-by-case basis or
23 document-by-document basis. We get through today's hearing. We
24 have additional discovery, if that occurs. They want additional
25 discovery, we come back, and we argue about it at that time.

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1 THE COURT: Right. Well, we're not arguing about --
2 let me make sure I'm clear, Mr. Lenhard. Maybe you didn't hear
3 me. I'm not arguing about unsealing anything today. I'm going
4 to set a briefing schedule and ask you people to meet and
5 confer. I'm not going to rule on anything as far as unsealing
6 today.

7 MR. LENHARD: That's fine then. Thank you.

8 THE COURT: Okay. So, you know, I guess if you could
9 meet and confer and say, you know, they -- this is -- I mean,
10 Ms. Haar might say, Well, I maybe only mention this stuff, but
11 what we really want is this stuff. And you can decide if you
12 want to have a fight about whether they can ask for that stuff
13 or not and I hope -- you see.

14 All right. Go ahead, Mr. Hranitzky.

15 MR. HRANITZKY: Just so I can understand.

16 THE COURT: Yeah.

17 MR. HRANITZKY: One brief point to what Mr. Lenhard
18 said. If I understand Your Honor correctly, what Your Honor's
19 really contemplating is for purposes of determining whether
20 testimony and maybe some documents should or shouldn't be
21 sealed.

22 THE COURT: Right.

23 MR. HRANITZKY: Counsel will be permitted to see the
24 documents.

25 THE COURT: Exactly, and only counsel.

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1 MR. HRANITZKY: So long as all we're talking about is
2 the documents that actually have been submitted and testimony
3 that's actually been submitted and we're not talking about any
4 other documents.

5 THE COURT: In the future, right.

6 MR. HRANITZKY: That's what we are concerned about.

7 THE COURT: Okay. I understand the timing issue and I
8 didn't pick up on that.

9 Okay.

10 MR. WOODS: Judge?

11 THE COURT: Let me just clarify it, and then I'll hear
12 from you.

13 All right. If my order goes forward and, you know, I
14 ask my law clerk to make sure we make it clear as a bell when we
15 write it, the idea will be only -- because the parties can only
16 know what is under seal today. So my order is going to only
17 address what's been under seal today.

18 If the attorneys for the intervener want to look at
19 documents that are filed later in the case under seal, they'll
20 have to put in a motion to see those for attorneys' eyes only as
21 the first step. Does that solve that problem? Okay. Sorry.

22 MR. WOODS: I guess, Your Honor, the problem that I
23 have is that the hearing that's set for today is going to
24 address all manners of items that have already --

25 THE COURT: Oh, don't worry about that. We're not --

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1 we're not getting into the merits today. I figure we'll spend
2 an hour sorting all of this out, and I'm going to set another
3 hearing down the road so -- because -- yeah.

4 MR. WOODS: If we're not going to discuss anything
5 that's under seal, then I guess I --

6 THE COURT: No, no. No, I'm glad you brought it up
7 because I didn't make that clear. Obviously, we have to sort
8 out what's sealed. You know, this -- this court in particular,
9 Federal Courts, I mean, we really -- the Kamakana case is our
10 guideline. And, of course, with other cases under the discovery
11 rules, you know, I feel obligated to make as much as possible
12 public. The presumption is that it be public, but I do have to
13 balance individual privacy interests and so on. So we're going
14 to have to go through that process first before we can hold the
15 hearing because we have all of these motions to seal. We have
16 documents filed under seal.

17 And I guess to even make it more clear, and then I'll
18 hear some more, you know, when we sign those protective orders,
19 parties want to agree to a protective order, you know, we'll
20 generally approve it. I pretty much leave it up to you guys,
21 you know, whether you want to shred them when it's over, you
22 want to hand them back, do you want to do it this way. I mean,
23 everybody has different ways of doing it. The only thing I care
24 about is that the parties realize if you file something under
25 seal, there's a risk that when the Court looks at it and applies

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1 Kamakana, it may no longer be under seal.

2 And we're always careful in every one of our orders
3 when we want to approve them, we either change them or make you
4 redo them so that that's clear because, you know, we can't
5 prospectively agree that something's going to be under seal
6 permanently.

7 Okay. Anything else you want to talk about?

8 All right. So that's my intention then is to -- oh, I
9 need to ask you, Ms. Haar. Why do I need two interveners to do
10 this?

11 MS. HAAR: We had done two interveners -- Jorge Lanata
12 is the journalist that specifically does this, but the Center of
13 Investigative Journalism in the Americas works with a whole
14 network of journalists just to foster transparency and
15 disclosure through governmental proceedings to the people of
16 South America. And so it was just a larger organization.

17 Jorge Lanata is just the journalist, the primary
18 journalist, that will be involved here. So if you see fit to
19 only have one party, it would be Mr. Lanata.

20 THE COURT: You would rather --

21 MS. HAAR: It was just as a larger network of
22 journalists more representative --

23 THE COURT: Well, you know, it -- I think for court
24 purposes -- you know, Mr. Lanata has timely moved to come in
25 here and fight this fight for the organization. I just want to

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1 appoint one person because I don't want to have five more people
2 come in and say they want to file briefs. All right. You got
3 here first. I'm going to let you fight -- in fact, I
4 appreciate, as I said, you're going to fight the fight in front
5 of me and I'll hear from the other side.

6 So I'm going to allow Mr. Lanata to intervene. And,
7 you know, you'll see I'm going to -- I'll have a written order
8 out this afternoon on this. I hope it will be clear.

9 Okay. The next issue is the need for an evidentiary
10 hearing. Now, as I remember, when the stipulation came in, I
11 think maybe this one I just read, one side said, We do need an
12 evidentiary hearing. And the other side said, We don't. Which
13 way does that go?

14 MR. WOODS: Well, Your Honor, I think my side, MF
15 Nevada, said that an evidentiary hearing would be burdensome,
16 particularly burdensome, on MF Nevada and Ms. Amunategui who
17 already responded to seven or eight subpoenas and sat for a
18 deposition. I mean, you have the deposition transcript. We
19 cited to it extensively in our briefs. Ms. -- NML has said that
20 they want you to observe Ms. Amunategui's demeanor. What they
21 didn't tell you was that the deposition started off as being
22 videotaped, and they stopped it partway through saying that it
23 wasn't going to be used at trial.

24 So they had an opportunity to give you this without
25 additionally burdening Ms. Amunategui, who is not a party to the

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1 case, who has a business to run, is the only employee of her
2 business here in Las Vegas. And to -- and an -- having --
3 having sat for a deposition and responded to subpoenas, to come
4 in and have a hearing to decide whether she'll have to sit for
5 another deposition as, you know, a 30(b)(6) representative is --
6 it's just snowballing --

7 THE COURT: Okay.

8 MR. WOODS: -- testimony after testimony after
9 testimony.

10 THE COURT: So it's the burden on her. And they had
11 their chance to videotape it, and they didn't. Okay. I got it.

12 Mr. Hranitzky.

13 MR. HRANITZKY: Your Honor, let us start with sort of
14 the end.

15 THE COURT: Okay.

16 MR. HRANITZKY: NML isn't saying that we must have an
17 evidentiary hearing.

18 THE COURT: Okay.

19 MR. HRANITZKY: Ms. Amunategui?

20 MR. WOODS: She pronounces it as Amunategui.

21 THE COURT: Amunategui.

22 MR. WOODS: I don't know who --

23 MR. HRANITZKY: I've been saying it wrong all along.

24 THE COURT: Okay. Amunategui.

25 MR. HRANITZKY: We're not saying that -- we're not

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1 saying that we must have an evidentiary hearing.

2 THE COURT: Okay.

3 MR. HRANITZKY: Our position is that to the extent that
4 the Court determines that there are -- that the Court has
5 questions with respect to Ms. Amunategui's testimony that go to
6 the ultimate issue of whether MF Nevada is the alterego of --

7 THE COURT: Right.

8 MR. HRANITZKY: Because NML had concerns about how
9 forthright Ms. Amunategui was during the course of her
10 deposition, we were preserving the ability to request that the
11 Court bring Ms. Amunategui in to be sort of questioned where the
12 Court can observe, and if Your Honor has questions for
13 Ms. Amunategui, then Your Honor can ask those questions directly
14 to her.

15 And the reason we -- that is why we ceased videotaping
16 the deposition when it was taken because it became very apparent
17 to me within an hour -- within an hour into the deposition that
18 this was going to be an issue.

19 And I just wanted to gather as strong a position as I
20 could coming into this to preserve the ability, if necessary, to
21 request an evidentiary hearing, but we will do this however Your
22 Honor thinks makes the most sense. And my thought, as I stand
23 here now, is that we might first sort of get through the
24 arguments on these various motions, and, you know, during that
25 argument cite I think the fairly limited areas where there may

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1 be disputes as to material fact. It's really more how one
2 interprets things that Ms. Amunategui said and not so much
3 what -- what she said.

4 They'll come into focus. And Your Honor can make a
5 determination at that point whether an evidentiary hearing would
6 or would not be worthwhile or would warrant the burden that
7 would impose on Ms. Amunategui.

8 THE COURT: Let me ask you this, Mr. Hranitzky. Is
9 there any other evidence that you would want to introduce
10 besides her testimony?

11 MR. HRANITZKY: We have --

12 THE COURT: Or exhibits that were already in the
13 deposition?

14 MR. HRANITZKY: There is a possibility of maybe one or
15 two documents -- well, let me take a step back.

16 THE COURT: Okay.

17 MR. HRANITZKY: While this what we call sort of
18 corruption discovery initiative started here in Nevada, all
19 right, but it's moved on from Nevada.

20 THE COURT: Okay.

21 MR. HRANITZKY: We've served 20 banks with subpoenas
22 out of New York. We now have received pending safe shells.
23 There may be additional proceedings that sort of -- that we
24 initiate between now and when all of this becomes ripe for Your
25 Honor's consideration.

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1 THE COURT: Right.

2 MR. HRANITZKY: As I sit here now, I'm only aware of
3 maybe three or four new documents that weren't submitted with
4 the -- like papers, like, in connection with these motions that
5 NML might want to use in connection with the motions, but that
6 could change --

7 THE COURT: All right.

8 MR. HRANITZKY: --- depending on -- like, we're getting
9 these productions from the banks on a rolling basis right now.
10 And we expect to get disclosure from these entities in the safe
11 shells in the coming weeks as well, and we don't know what's
12 going to come out of all of that.

13 THE COURT: All right.

14 MR. HRANITZKY: But as I sit here now, I only know of
15 maybe three or four additional documents.

16 THE COURT: All right. And turning from the possible
17 evidence to the issues. I mean, the real -- the issue that your
18 side thinks requires an evidentiary hearing among the different
19 elements I have to consider is the alterego. Is that right?

20 MR. HRANITZKY: That's right, Your Honor.

21 THE COURT: And is there any other issue besides that?

22 MR. HRANITZKY: As I sit here now, I know of none.

23 THE COURT: Okay. All right. Well, I'll have to mull
24 that through a little bit, look at the pleadings a little more,
25 and then I'll decide whether we need to have an evidentiary

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1 hearing first or maybe we can -- once the sealing -- all right.

2 Now, what about the demonstrative evidence? Does
3 that -- is that something that you guys can work out? I guess,
4 once we decide the sealing, you can adjust the demonstrative
5 evidence to comply with the sealing, right?

6 MR. HRANITZKY: Well, I don't know that that will
7 address all of the objections --

8 THE COURT: Right.

9 MR. HRANITZKY: -- that Mr. Wiley and Mr. Woods have to
10 the demonstratives, although we started to try --

11 THE COURT: Yeah.

12 MR. HRANITZKY: -- over the course of last night and I
13 think we went a long way. We may be able to resolve most of the
14 issues with respect to the demonstratives.

15 THE COURT: Okay. So probably what I can do is once I
16 rule on the sealing issues, then you could try to resolve the
17 demonstrative, and if there's anything left, you could maybe let
18 me know before we get started at the eventual hearing. Sounds
19 like I probably won't need to set an evidentiary hearing at
20 least at this point.

21 So, let's see.

22 All right. So I guess what I am going to do is I'll be
23 entering an order allowing the intervention as I talked about,
24 and I want to set a briefing schedule to deal with the sealed
25 records that are actually in the case now. That's all we're

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1 talking about. And once that's completed, I guess I'll -- I
2 expect I'll be able to rule on that on the papers, and then when
3 I rule on that on the papers, I'll set a hearing.

4 Now, probably when I set the hearing, it's going to be
5 after the 1st of the year. Would -- how would the parties feel
6 about me allowing some supplemental briefing? Because
7 apparently this is going to be an evolving thing at least on
8 their side.

9 MR. WOODS: Well, Your Honor, my client's in a
10 different position than Mr. Hranitzky's client.

11 THE COURT: Right.

12 MR. WOODS: This is a very small business.

13 THE COURT: Right.

14 MR. WOODS: Doesn't have a massive legal budget to go
15 through massive rounds of briefing what has now been over the
16 course of 16 months.

17 THE COURT: Right.

18 MR. WOODS: So I guess I don't see the need for
19 additional supplemental briefing. At some point my client has
20 to have repose even if there is a continuing snowball, you know,
21 in other parts --

22 THE COURT: Of the other world. Yeah. Okay.

23 Mr. Hranitzky, do you think you are going to need to
24 supplement?

25 MR. HRANITZKY: As I sit here now, I really can't think

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1 of anything that we would want to supplement the existing
2 briefing on.

3 THE COURT: Right.

4 MR. HRANITZKY: I suppose things could change and maybe
5 in January we might reconsider the issue, but I can't think of
6 anything now.

7 THE COURT: You know what I think I may do is I may
8 just order the parties to get-together two or three weeks before
9 the hearing and just see if there's anything that they think
10 needs to be supplemented. And, you know, if you don't want to
11 supplement anything, that's fine. And if he's going to
12 supplement and you want to object, you can, but, yeah, it
13 doesn't sound like we need to do too much.

14 Okay. So I'm going to order the intervention. I'll
15 set briefing on sealing portions of the file. And I guess I'll
16 order -- once we get the sealing done, we'll try to work out the
17 demonstrative evidence.

18 And I don't think we're going to have an evidentiary
19 hearing. So is there anything else I need to talk about today?

20 All right. Mr. Wiley, you've been pretty quiet today.
21 Any issues?

22 MR. WILEY: We haven't got to the meat and potatoes of
23 my --

24 THE COURT: Of your part yet. Okay. That will be
25 coming.

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1 MR. WILEY: Trust me, I think I will be a little more
2 active.

3 THE COURT: I fully expect that. All right. Good.

4 Well, you know, I ... I hope this wasn't a waste of
5 time for you to come all the way out here, Mr. Hranitzky, but
6 hopefully we got this going in a direction we can get it worked
7 out, you know, January-February, the 1st of the year.

8 MR. HRANITZKY: It's much better here than it is in New
9 York.

10 THE COURT: I'm sure that's true.

11 MR. WOODS: That's not saying much, is it?

12 THE COURT: Thanks a lot.

13 (Whereupon proceedings concluded at 1:29 p.m.)

14 --oOo--

15 I, Patricia L. Ganci, court-approved transcriber, certify that
16 the foregoing is a correct transcript transcribed from the
17 official electronic sound recording of the proceedings in the
18 above-entitled matter.

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20	<u>/s/ PATRICIA L. GANCI</u>	<u>December 16, 2014</u>
21	Patricia L. Ganci	Date

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